



# Family Law Reform Act 1987

## 1987 CHAPTER 42

### PART IV

#### DETERMINATION OF RELATIONSHIPS

#### 22 Declarations of parentage.

For section 56 of the <sup>M1</sup>Family Law Act 1986 (declarations of legitimacy or legitimation) there shall be substituted the following section—

**“56 Declarations of parentage, legitimacy or legitimation.**

- (1) Any person may apply to the court for a declaration—
  - (a) that a person named in the application is or was his parent; or
  - (b) that he is the legitimate child of his parents.
- (2) Any person may apply to the court for one (or for one or, in the alternative, the other) of the following declarations, that is to say—
  - (a) a declaration that he has become a legitimated person;
  - (b) a declaration that he has not become a legitimated person.
- (3) A court shall have jurisdiction to entertain an application under this section if, and only if, the applicant—
  - (a) is domiciled in England and Wales on the date of the application; or
  - (b) has been habitually resident in England and Wales throughout the period of one year ending with that date.
- (4) Where a declaration is made on an application under subsection (1) above, the prescribed officer of the court shall notify the Registrar General, in such a manner and within such period as may be prescribed, of the making of that declaration.
- (5) In this section “legitimated person” means a person legitimated or recognised as legitimated—

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- (a) under section 2 or 3 of the Legitimacy Act 1976;
- (b) under section 1 or 8 of the Legitimacy Act 1926; or
- (c) by a legitimation (whether or not by virtue of the subsequent marriage of his parents) recognised by the law of England and Wales and effected under the law of another country.”

**Marginal Citations**

M1 1986 c. 55.

**23 Provisions as to scientific tests.**

- (1) For subsections (1) and (2) of section 20 of the <sup>M2</sup>Family Law Reform Act 1969 (power of court to require use of blood tests) there shall be substituted the following subsections—

“(1) In any civil proceedings in which the parentage of any person fails to be determined, the court may, either of its own motion or on an application by any party to the proceedings, give a direction—

- (a) for the use of scientific tests to ascertain whether such tests show that a party to the proceedings is or is not the father or mother of that person; and
- (b) for the taking, within a period specified in the direction, of bodily samples from all or any of the following, namely, that person, any party who is alleged to be the father or mother of that person and any other party to the proceedings;

and the court may at any time revoke or vary a direction previously given by it under this subsection.

- (2) The [<sup>F1</sup>individual] carrying out scientific tests in pursuance of a direction under subsection (1) above shall make to the court a report in which he shall state—

- (a) the results of the tests;
- (b) whether any party to whom the report relates is or is not excluded by the results from being the father or mother of the person whose parentage is to be determined; and
- (c) in relation to any party who is not so excluded, the value, if any, of the results in determining whether that party is the father or mother of that person;

and the report shall be received by the court as evidence in the proceedings of the matters stated in it.

- (2A) Where the proceedings in which the parentage of any person fails to be determined are proceedings on an application under section [<sup>F2</sup>55A or 56] of the Family Law Act 1986, any reference in subsection (1) or (2) of this section to any party to the proceedings shall include a reference to any person named in the application.”

- (2) In section 25 of that Act (interpretation of Part III)—

- (a) for the definitions of “blood samples” and “blood tests” there shall be substituted the following definition—

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““bodily sample” means a sample of bodily fluid or bodily tissue taken for the purpose of scientific tests;””; and

- (b) after the definition of “excluded” there shall be inserted the following definition—

““scientific tests” means scientific tests carried out under this Part of this Act and made with the object of ascertaining the inheritable characteristics of bodily fluids or bodily tissue.”

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**Textual Amendments**

- F1** Words in s. 23(1) substituted (1.4.2001) by 2000 c. 19, s. 83(5), **Sch. 8 para. 9(a)** (with s. 83(6)); S.I. 2001/774, **art. 2(b)(c)**
- F2** Words in s. 23(1) substituted (1.4.2001) by 2000 c. 19, s. 83(5), **Sch. 8 para. 9(b)** (with s. 83(6)); S.I. 2001/774, **art. 2(b)(c)**
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**Marginal Citations**

- M2** 1969 c. 46.

**Changes to legislation:**

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